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P25062.A02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Werner BERENS et al.

Confirmation No. 9274

Group Art Unit: 1614

Serial No. : 10/820,874

Examiner: unknown

Filed : April 09, 2004

For : USE OF ONE OR SEVERAL SUBSTANCES SELECTED FROM THE
GROUP OF PYRIMIDINES AND PURINES IN COSMETIC
PREPARATIONS FOR TANNING THE SKIN

INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents
PO Box 1450,
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.56 and 37 C.F.R. §§ 1.97-1.98, Applicants hereby direct the Examiner's attention to the following documents cited in the International Search Report for International Application PCT/EP02/11157 of which the above-referenced application is a continuation:

- (1) EP 0 829 260 A1, March 18, 1998;
- (2) U.S. Patent No. 6,380,263 B1 (PRUCHE et al.), April 30, 2002; Applicants note that this document is a family member of document (1);
- (3) U.S. Patent Application Publication No. 2002/0103216 A1 (PRUCHE et al.), August 1, 2002; Applicants note that this document is a family member of document (1);
- (4) WO 99/66897 A1, December 29, 1999;
- (5) U.S. Patent No. 6,399,046 B1 (SCHÖNROCK et al.), June 4, 2002; Applicants note that this document is a family member of document (4);

- (6) DE 100 15 363 A1, October 4, 2001;
- (7) U.S. Patent No. 6,623,725 B2 (GOLZ-BERNER et al.), September 23, 2003; Applicants note that this document is a family member of document (6);
- (8) U.S. Patent Application Publication No. 2003/0082119 A1 (GOLZ-BERNER et al.), May 1, 2003; Applicants note that this document is a family member of document (6);
- (9) U.S. Patent No. 5,470,579 (BONTE et al.), November 28, 1995;
- (10) U.S. Patent No. 5,591,423 (FULLER), January 7, 1997;
- (11) U.S. Patent No. 5,540,914 (FULLER), July 30, 1996; Applicants note that this document is a family member of document (10);
- (12) U.S. Patent No. 6,116,281 (MASTROMATTEO), September 12, 2000; Applicants note that this document is a family member of document (10);
- (13) U.S. Patent No. 5,554,359 (FULLER), September 10, 1996; Applicants note that this document is a family member of document (10); Applicants further note that this document is also cited in the German Search Report for German Patent Application No. 101 50 412.8 of which the above-referenced application claims priority; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself;
- (14) U.S. Patent No. 5,589,161 (FULLER), December 31, 1996; Applicants note that this document is a family member of document (10);
- (15) U.S. Patent No. 5,628,987 (FULLER), May 13, 1997; Applicants note that this document is a family member of document (10); Applicants further note that this document is also cited in the German Search Report for German Patent Application No. 101 50 412.8 of which the above-referenced application claims priority; this document is

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categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself;

(16) U.S. Patent No. 5,075,102 (HUBAUD et al.), December 24, 1991;

(17) Hadshiew I.M., Eller M.S., Gasparro F.P., Gilchrest B.A., "Stimulation of melanogenesis by DNA oligonucleotides: effect of size, sequence and 5'phosphorylation" Journal of Dermatological Science, 2001, 25, pp. 127-138;

(18) DD 82 806, June 20, 1971.

Applicants further direct the Examiner's attention to the following additional documents cited in the German Search Report for German Patent Application 101 50 412.8 of which the above-referenced application claims priority:

(19) U.S. Patent No. 5,643,556 (GILCHREST et al.), July 1, 1997; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself;

(20) WO 98/12212 A1, March 26, 1998; this document is categorized in the German Search Report as X and Y document, i.e., casting doubt on novelty or non-obviousness by itself and casting doubt on non-obviousness in combination with other documents;

(21) WO 95/01773 A1, January 19, 1995; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself; Applicants note that this document is a family member of document (19);

(22) U.S. Patent No. 5,470,577 (GILCHREST et al.), November 28, 1995; Applicants note that this document is a family member of documents (19) and (21);

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(23) WO 92/20322 A1, November 26, 1992; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself;

(24) U.S. Patent No. 5,476,651 (MEYBECK et al.), December 19, 1995; Applicants note that this document is a family member of document (23);

(25) WO 91/07945 A1, June 13, 1991; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself.

Furthermore, Applicants direct the Examiner's attention to the following U.S. Patent Application, which was filed on the same day as the above-referenced application:

(26) Serial No. 10/820,869 having the title **"USE OF ONE OR SEVERAL SUBSTANCES SELECTED FROM THE GROUP OF PYRIMIDINES AND PURINES IN COSMETIC PREPARATIONS FOR COLOURING HAIR"** (Applicants: Werner BERENS et al.).

Copies of the above-listed documents (with the exception of U.S. patents and published U.S. Patent Applications) and of the German Search Report for German Patent Application 101 50 412.8 and the International Search Report (in English) for International Application PCT/EP02/11157 are enclosed together with a completed copy of the PTO-1449 Form listing these documents. Accordingly, the Examiner is requested to consider these documents and to indicate such consideration by returning a signed and initialed copy of the PTO-1449 Form with the next official communication.

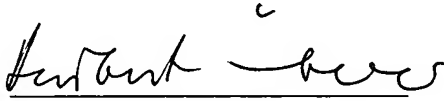
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Further to the U.S. Patent and Trademark Office's decision to waive the requirement under 37 C.F.R. § 1.98 (a)(2)(I), copies of the U.S. Patents and published U.S. Patent Applications cited above are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

Applicants note that an Office Action on the merits has not yet issued in the instant application, and thus, no fee is necessary to ensure consideration of this statement. However, if an Office Action has issued and is crossing in the mail with this statement, the Commissioner is hereby authorized to charge Deposit Account No. 19-0089 any fee necessary to ensure consideration of the submitted materials.

If there should be any questions, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Werner BERENS et al.


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FORM PTO-1449

U.S. Department of Commerce
Patent and Trademark OfficeAtty. Docket No.
P25062Application No.
10/820,874INFORMATION DISCLOSURE STATEMENT
BY APPLICANT

(Use several sheets if necessary)

Applicant
Werner BERENS et al.Filing Date
April 9, 2004Group
1614

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6	3	8	0	2	6	3	04/30/02	PRUCHE et al.			
2002	/	0	1	0	3	2	1	6	08/01/02	PRUCHE et al.			
		6	3	9	9	0	4	6	06/04/02	SCHÖNROCK et al.			
		6	6	2	3	7	2	5	09/23/03	GOLZ-BERNER et al.			
2003	/	0	0	8	2	1	1	9	05/01/03	GOLZ-BERNER et al.			
		5	4	7	0	5	7	9	11/28/95	BONTE et al.			
		5	5	9	1	4	2	3	01/07/97	FULLER			
		5	5	4	0	9	1	4	07/30/96	FULLER			
		6	1	1	6	2	8	1	09/12/00	MASTROMATTEO			
		5	5	5	4	3	5	9	09/10/96	FULLER			
		5	5	8	9	1	6	1	12/31/96	FULLER			
		5	6	2	8	9	8	7	05/13/97	FULLER			
		5	0	7	5	1	0	2	12/24/91	HUBAUD et al.			
		5	6	4	3	5	5	6	07/01/97	GILCHREST et al.			
		5	4	7	0	5	7	7	11/28/95	GILCHREST et al.			
		5	4	7	6	6	5	1	12/19/95	MEYBECK et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
		0	8	2	9	2	6	0	03/18/98	E.P.O.				
	9	9	/	6	6	8	9	7	12/29/99	W.I.P.O.				
	1	0	0	1	5	3	6	3	10/04/01	GERMANY				
				8	2	8	0	6	06/20/71	GERMANY				
	9	8	/	1	2	2	1	2	03/26/98	W.I.P.O.				
	9	5	/	0	1	7	7	3	01/19/95	W.I.P.O.				
	9	2	/	2	0	3	2	2	11/26/92	W.I.P.O.				
	9	1	/	0	7	9	4	5	06/13/91	W.I.P.O.				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	1	Hadshiew I.M., Eller M.S., Gasparro F.P., Gilchrest B.A., "Stimulation of melanogenesis by DNA oligonucleotides: effect of size, sequence and 5'phosphorylation" Journal of Dermatological Science, 2001, 25,
		pp. 127-138

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.